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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,724	04/23/2001	Manuel J. Alvarez II	5143-02400	4539

7590 12/13/2004

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EXAMINER

CHASE, SHELLY A

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No. 09/840,724	Applicant(s) ALVAREZ ET AL.	
	Examiner Shelly A Chase	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-29-04 & 11-1-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 40-81,91-105 and 108 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21,23-39,82-90,106 and 107 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-23-20001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-16-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 to 108 are presented for examination.

Election/Restrictions

2. Claims 40 to 81, 91 to 105 and 108 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6-29-2004.

Information Disclosure Statement

3. The references listed in the information disclosure statement submitted on 7-16-2003 have been considered by examiner (see attached PTO-1449).

Specification

4. The abstract of the disclosure is objected to because acronyms must be defined at their first usage in the specification, this objection applies to page 4 lines 15 to 16. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 7 and 8 are objected to because of the following informalities: please change the dependency best if dependent on claim 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, recites the limitation "writing, said reading, said identifying" recited on line 1.

There is insufficient antecedent basis for this limitation in the claim. Claim 22 is dependent on claim 21 wherein after the memory module is identified then the steps of learning, identifying interleave and performing takes place.

Allowable Subject Matter

8. Claims 1 to 21, 23 to 39, 82 to 90, 106 and 107 are allowed.

9. Claim 22 would be allowable once the 112 second paragraph rejection is overcome.

10. The following is a statement of reasons for the indication of allowable subject matter: the instant invention is directed to a method and a system for identifying device enhanced memory modules by comparing data written to a memory module with data read from a memory module. The prior art made of record teaches detecting errors for a memory module with an embedded data by comparing the data read from the embedded memory. For instance, Lester et al. (USP 6715116 B2), teaches a system

for detecting errors in a memory device wherein a plurality of memory modules including a plurality of random access memories are checked for errors using a read command.

Le Blanc et al. (USP 6055653), teaches a method and an apparatus for testing a memory module.

However, the prior art made of record taken alone or in combination fails to teach or fairly suggest or render obvious the novel element of the instant invention.

Specifically, the prior art made of record fails to teach or fairly suggest identifying the first memory module as a device-enhanced memory module if the data sequence as read from the first memory module is modified from the data sequence as written to the first memory module as claimed in independent claim 1. Claims 29, 82, and 106 recite similar novel limitation as claimed in claim 1 and are allowed for the same rationale applied to claim 1.

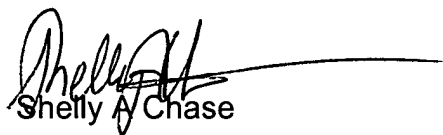
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly A Chase whose telephone number is 703-308-7246. The examiner can normally be reached on Mon-Thur from 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shelly A. Chase